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In re Application of
 Loc Nguyen et al.
 Application No. 10/676,723
 Filed: September 30, 2003
 For: METHOD AND SYSTEM FOR MANAGING
 DYNAMIC TERMS AND CONDITIONS AND
 USER INTERACTION

DECISION ON PETITION
 UNDER 37 C.F.R. 1.181 TO
 WITHDRAW FINALITY

This is in response to applicant's Petition filed on March 9, 2010, requesting withdrawal of the finality of the Office action mailed February 17, 2010 as being premature.

The petition is **GRANTED**.


Petitioner alleges that the Final rejection dated February 17, 2010 was premature since this Office action contained a new grounds of rejection not necessitated by Applicant's amendment.

MPEP 706.07(a) sets forth that the second or any subsequent action on the merits shall be made final except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

A review of the record indicates that the Office issued a non-final rejection on July 9, 2009 rejecting claims 1 and 4-7 under 35 USC 102(b) as anticipated by Iannacci (US 2002/0062249). On November 9, 2009 Applicant rewrote dependent claim 7 in independent form to include all of the limitations previously presented in claims 1 and 4-7. In the Final rejection dated February 17, 2010, ~~claim 7 was for the first time rejected under 35 USC 103 as unpatentable over Iannacci~~ (US 2002/0062249) in view of Chen (US 6,549,912), which rejection was not necessitated by Applicant's amendment.

Accordingly, the finality of the February 17, 2010 Office action, but not the action itself, is hereby withdrawn. The Office action dated February 17, 2010 is now considered to be non-final with the shortened statutory period of THREE (3) MONTHS set in the Office action.

Summary: *Petition Granted*


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EWS: 7/15/10

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